ADJOURNMENT MOTIONS.

i. Non-publication of the Select Committee Report on the Cochin Trade Unions Bill in the Gazette.

Mr. President.—There are some adjournment motions tabled. One from Mr. K. M. Ibrahim reads thus:—

"Under Rule 18, I have the honour to request the consent of the President to move for an adjournment of the House to discuss the negation by the Government of even the existing constitution, as proved by their refusal to publish the Select Committee Report on the Trade Union Bill in the Government Gazette which is imperatively enjoined by the rules of the constitution."

What exactly is the point?

Mr. K. M. Ibrahim.—The report was not published in the Gazette.

Mr. President.— In the report of the Committee it is mentioned that the Bill need not be re-published in the Gazette and I am told that the practice here is, when there is such a specific statement, it is simply printed and circulated among the Members and not published in the Gazette.

Mr. K. M. Ibrahim.— My complaint is not about the publication of the Bill, but is about the report and the dissenting minute. According to the rules the report and the dissenting minutes should be published in the Gazette. The rules are so very obvious.

Mr. President.—I am prepared to agree with Mr. Ibrahim that under the Standing Orders the report of the Select Committee must be published in the Gazette whether they mention it or not in the Report. We will follow that principle hereafter. It was only perhaps due to a misconception.

Mr. K. M. Ibrahim.—If the Government undertakes to do that, I beg to withdraw my motion.

ii. Extension of the life of Municipal Councils by one year.

Mr. President.— Another adjournment motion of Mr. E. Ikkanda Warriar is to the following effect:—

"I have the honour to give you notice that I intend moving the adjournment of the House today for the purpose of discussing a definite matter of urgent public importance, to wit, the extension of the life of the Municipal Councils for one year (till Vrischigom 1113)"

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Technically the motion is in order.

Mr. T. S. Narayana Ayyar.— On a point of order, Sir. The object of the motion is to discuss the Proclamation of His Highness the Maharaja published in the Gazette. I want to draw your attention to section 20 of the Legislative Council Regulation which states that "nothing contained in this Regulation shall affect or be deemed to have affected Our prerogative right to make and pass Regulations and Proclamations independent of the Council, which right is hereby declared to be and to have been always possessed and retained by Us." Any Proclamation issued under the prerogative right of His Highness the Maharaja is outside the purview of discussion by this House.

Mr. E. Ikkanda Warriar.—Sir, I do not object to that provision and I do perfectly agree that His Highness has reserved to himself His prerogative right to pass Proclamations independant of this House. But that does not affect the matter in hand. I am questioning the propriety of passing the instant Proclamation. I am not prohibited by section 20 of the Legislative Council Regulation from doing it. Restrictions on the right to move for adjournments are contained in paragraph 45 of the Manual. It corresponds to section 19 of the Legislative Council Rules. It runs thus:—

"The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely—

(1) Not more than one such motion shall be made at the same sitting;

(2) not more than one matter can be discussed on the same motion, and motion must be restricted to a specific matter, of recent occurence;

(3) the motion must not revive discussion on a matter which has been discussed in the same session;

(4) the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given;

(5) the motion must not deal with a matter on which a resolution could not be moved."

These are the only restrictions which govern the moving of adjournment motions. Para 117 of the Manual (Rule 34) deals with the restriction on subjects for discussion. It says:— "No such discussion shall be permitted in regard to any of the following

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subjects:—(a) any matter removed from the cognizance of the Council under section 11 of the Cochin Legislative Council Regulation", etc. And section 11 says:—"It shall not be lawful for the Legislative Council to consider and enact any measure relating to or affecting—

(a) the ruling family of Cochin; or

(b) the relations of Our Government with the Paramount Power or with foreign Princes or States; or

(c) matters governed by treaties, conventions or agreements now in force or hereafter to be made by Our Government with the Paramount Power; or

(d) extradition of criminals; or

(e) European vagrants; or

(f) European British subjects; or

(g) the regulation of affairs relating to sea-ports; or

(h) Imperial Post Office and Telegraph and Railways; or

(i) the Military forces including the Nayar Brigade, and Our Body Guard; or

(j) coinage or legal tender; or

(k) State Charities; or

(l) Devaswoms belonging to or under the control of Our Government; or

(m) the Cranganur Chief or his family ; or

(n) the provisions of this Regulation."

My submission is that my motion does not come under any of these. The motion must not deal with a matter on which a resolution could not be moved. But this is a matter upon which a resolution can be moved. For the matter of that, for the purpose of repealing Regulation I of 1110 resolutions were tabled in this House and passed, and as a result of it that Regulation has been repealed. So my submission is that my motion does not come under any of the restrictions imposed by the Council Regulation and rules.

Mr. Thomas Manjuran:—Sir, apart from the reservation that is contained in Section 20 for the passing of Proclamations by His Highness the Maharaja, any discussion as to the propriety or otherwise of such a Proclamation would necessarily involve a consideration of the wisdom or otherwise of the action of His Highness the Maharaja and as such it appears tabooed under the rules of this Council. I am referring to Rule 25 (3) which lays down that a Member while speaking must not "reflect upon the conduct of His Highness the Maharaja, or of His Majesty the

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King Emperor··· ··· ... ...". When we deal with a Proclamation issued by His Highness, any discussion of that would necessarily involve considerations like the one that I already referred to. The propriety or otherwise of His Highness' actions cannot be discussed in this House. Besides I would also submit that the reservation of certain legislative and other powers with His Highness the Maharaja should necessarily mean that action taken by His Highness in pursuance of those powers would transcend the powers conferred on or the scope of this Council. Whatever His Highness may have done by Proclamation should never be a matter for discussion or comment in this Council.

Mr. President:—If a Regulation or Proclamation is issued by His Highness the Maharaja, cannot a Member table a motion in this House for amending or repealing it?

Mr. Thomas Manjuran:—Here it is a Proclamation that has been issued. There is some difference.

Mr. President.—I think the position is quite clear. So far as the right of an Hon'ble Member to move an adjournment motion is concerned, we have to confine ourselves to the provisions contained in the Regulation, Rules and Standing Orders. Rule 19 coupled with Rule 34 prescribes the limitations imposed upon the right of a Member with regard to adjournment motions. With regard to Rule 25 (3) to which the Law Member referred, it is up to the Chair to see that no reflection is cast on the conduct of His Highness. That will be for the Chair to watch. I do not find anywhere in the Regulation, Rules or Standing Orders that a Regulation which has been passed by His Highness as a Proclamation cannot form the subject matter of an adjournment at all. Unless there is specific provision I think any Hon'ble Member has a right to move to adjourn the business of the Council on this matter. I rule that the adjournment motion is in order. But objection having been taken I would take the sense of the House. Those who are for will kindly stand up in their seats.

The Adjournment motion was lost for want of the prescribed minimum number of Members supporting it.

iii. Delay in the disposal of the Cochin Tenancy Regulation Amendment Bill.

Mr. President.—Another adjournment motion tabled by Mr. P. Kumaran Ezhuthassan reads thus:—

"I have the honour to give you notice that I intend moving the adjournment of the business of the House for discussing an

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